Rule 602. Need for Personal Knowledge.

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

Comment to 2012 Amendment

The language of Rule 602 has been amended to conform to the federal restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Cases

602.010 For a witness to testify about a matter, the witness must have personal knowledge of the matter.

State v. Harrod, 200 Ariz. 309, 26 P.3d 492, ¶¶ 27–28 (2001) (in case-in-chief, defendant suggested ex-wife and her family were lying about his involvement in murder because of bitterness over divorce; court held this opened door and allowed state to call ex-wife in rebuttal to ask her why she had divorced defendant; ex-wife testified that she divorced him because he told her he had killed victim).

* *Cal X-tra v. W.V.S.V. Holdings,* 229 Ariz. 377, 276 P.3d 11, ¶¶ 55–57 (Ct. App. 2012) (plaintiff's statement of fact about who gave him documents was based on his own knowledge, and thus statement was not hearsay).

In re MH 2008–002596, 223 Ariz. 32, 219 P.3d 242, ¶¶ 12–16 (Ct. App. 2009) (appellant sought relief from order of commitment for involuntary mental health treatment; statute required testimony of two or more witnesses acquainted with patient; appellant contended one witness did not qualify as acquaintance witness because her contact with him was limited to one 15 minute telephone conversation; court held that this telephone conversation gave witness personal knowledge).

State v. Jones, 188 Ariz. 534, 937 P.2d 1182 (Ct. App. 1996) (because examining physician saw victim write note stating that her father had molested her, physician properly allowed to identify note).

602.040 A witness may testify that something did not happen or that the witness did not see or hear anything only if the witness's position, attitude, or access to information were such that the witness probably would have seen, heard, or known of the event if it had happened.

Isbell v. State, 198 Ariz. 291, 9 P.3d 322, ¶ 9 (2000) (because defendant failed to make required foundational showing, including how many near accidents and how many fortuitous escapes from injury may have occurred, trial court did not abuse discretion in precluding evidence of absence of prior accidents at railroad crossing in question).

Hernandez v. State, 201 Ariz. 336, 35 P.3d 97, ¶¶ 19–22 (Ct. App. 2001) (plaintiff fell off wall at Patagonia Lake Park; because park manager had served there for 8 years and lived there year-round, and because any fall off that wall would have resulted in serious injuries, park manager was permitted to testify that he knew of no other accidents at that wall), *vacated,* 203 Ariz. 196, 52 P.3d 765 (2002).

April 10, 2013